

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CASE NO. 03-CR-10361-RWZ-03

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UNITED STATES

V.

SCOTT FINK,  
Defendant


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**MOTION FOR LEAVE TO FILE HERewith  
DEFENDANT'S MOTION TO DISMISS SUPERSEDING INDICTMENT OR,  
ALTERNATIVELY, STRIKE SURPLUSAGE FROM INDICTMENT  
AND MOTION FOR LEAVE TO SUBMIT SUPPORTING MEMORANDUM**

The defendant Scott Fink has prepared a motion to dismiss superseding indictment or alternatively to strike the Notice of Additional Factors, intended to address Blakely issues. The defendant's counsel is working on a memorandum of law in support of the motion, and has not had time to complete it in light of his other commitments. The defendant requests until October 8 to file his supporting memorandum. The defendant further requests that he be permitted to file his motion herewith. It was due on September 17, but his counsel was preoccupied with a different case to which he had recently been appointed which required some immediate attention.

Respectfully submitted


The defendant Scott Fink  
By his counsel

  
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September 23, 2004

**CERTIFICATE OF SERVICE**

I certify that I have served the foregoing upon counsel of record by delivering a copy to  
AUSA William Weinreb on September 23, 2004.

  
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Charles W. Rankin